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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/175,156	10/19/1998	KEITH LYNN PUTNAM	98.P.7912.US	6575

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EXAMINER

ESCALANTE, OVIDIO

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 10/01/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/175,156	PUTNAM ET AL.
	Examiner	Art Unit
	Ovidio Escalante	2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on 11 March 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 1-21 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-21 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## DETAILED ACTION

1. This action is in response to applicant's amendment filed on Marcy 11, 2003. **Claims 1-21** are now pending in the present application.

### *Claim Rejections - 35 USC § 102*

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 10,12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Milewski US Patent 6,519,326.

*Regarding claim 10*, Milewski teaches a telephony device (155,160) for playing a customized message to a caller, (abstract; col. 4, lines 46-51), comprising:

a ring detector generating a detection signal in response to an incoming call, (col. 3, lines 47-55; call request signal is detected);

a ringer (voice-ringer) alerting a called party to the incoming call in response to the detection signal, (col. 3, lines 49-55; a voice-ring announcement is played over a telephone speaker);

a command interface (fig. 2) for receiving one or more message parameters from the called party, (col. 4, lines 1-7; col. 5, line 63-col. 6, line 7); and

a controller for activating the command interface in response to the detection signal and for transferring the customized message to the caller according to the message parameters, wherein the controller is an element of a telephone (computer/telephone), (col. 5, lines 63-col. 6, line 7; fig. 3).

***Regarding claim 12***, Milewski teaches an audio interface for receiving a spoken message from the called party, (col. 4, lines 46-51).

***Regarding claim 13***, Milewski teaches a memory for storing the spoken message, (database 108; col. 2, lines 44-53; col. 4, lines 21-27).

***Regarding claim 14***, Milewski teaches a keypad permitting the called party to manually enter the message parameters, (col. 5, line 63-col. 6, line 7).

***Regarding claim 15***, Milewski teaches a caller identification unit for displaying caller information to the called party, (fig. 2).

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-9, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams US Patent 6,400,814 in view of Wolff US Patent 5,327,486.

***Regarding claim 1***, Adams teaches a system for responding to an incoming call, (fig. 6; col. 2, lines 51-64) from a calling party, comprising:

means (telephone 10/call controller 36) for receiving the incoming phone call, (col. 4, lines 4-25);

means for generating a user alert in response to the incoming phone call, (col. 6, lines 3-37);

means for enabling selective entry of a user message entered in response to the alert while the incoming call is pending and still ringing to the calling party (col. 6, lines 14-37; call continues to ring until after the user sends a user message).

Adams does not specifically teach of playing the selected user message to the calling party.

Wolff teaches that it was well known in the art to response to an incoming call by selected a user message and means for playing the user message to the calling party, (col. 5, lines 4-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Adams by playing the selected message to the calling party as taught by Wolff so that the calling party will know how their call is being processed e.g. transferring to voice mail or that the called party is busy.

***Regarding claim 2***, Adams in view of Wolff teach means for releasing the call after playing the message, (col. 6, lines 27-37).

***Regarding claim 3***, Adams teaches means for displaying caller identification information to the user, (col. 6, lines 3-14).

***Regarding claim 4***, Adams teaches wherein the receiving means includes means for activating a user command interface for a predetermined period of time following commencement of the user alert, (col. 6, lines 3-14).

***Regarding claims 5 and 6***, Adams, as applied above does not specifically teach wherein the receiving means includes a voice recognition unit for recognizing at least one spoken command.

Wolff teaches that it was well known in the art to have receiving means which includes a voice recognition unit for recognizing at least one spoken command, (col. 7, lines 17-22) and

wherein the at least one spoken command includes a predetermined instruction (verbal command) and a variable parameter, (col. 6, lines 17-36; col. 7, lines 5-22; figs. 8 and 9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Adams by using speech recognition as taught by Wolff so that the user can operate the device in a hands free mode and so that the system can validate the end user through speaker recognition techniques to ensure privacy protection of the device. This is to make certain that the called party is an authorized user of the receiving device..

***Regarding claim 7***, Adams teaches wherein the receiving means includes means for manually selecting the user message, (col. 5, lines 15-46).

***Regarding claims 8 and 9***, Adams, as applied above, does not specifically teach of recording an audio user message.

Wolff teaches that it was well known in the art to have means for recording an audio user message, (col. 5, lines 57-65; col. 7, lines 17-22) so that a user can send the user message to a calling party, (col. 5, lines 1-6,57-65) and means for storing the user message, (col. 5, lines 1-6,57-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Adams by recording an audio user message as taught by Wolff so that a user can pre-recorded customized user responses for specific callers.

***Regarding claim 20***, Adams teaches wherein the system is incorporated within a telephone, (fig. 3).

***Regarding claim 21***, Adams teaches wherein the command interface receives the message parameters from the called party while the incoming call is not yet connected, (col. 5, lines 14-46).

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Milewski in view of Wolff.

***Regarding claim 11***, Milewski does not specifically teach of using voice recognition for receiving spoken commands that include message parameters.

Wolff teaches a voice recognition unit for receiving spoken command (col. 7, lines 17-22) that include the message parameters, (col. 6, lines 17-36; col. 7, lines 5-22; fig. 8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Milewski by using voice recognition to receive spoken commands as taught by Wolff so that the user can operate the device in a hands free mode and so that the system can validate the end user through speaker recognition techniques to ensure privacy protection of the device. This is to make certain that the called party is an authorized user of the receiving device.

7. Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weishut US Patent 6,047,057 in view of Wolff.

***Regarding claim 16***, Weishut teaches a method for presenting an audio message to a telephone caller, (fig. 5; col. 2, lines 22-32), comprising:

detecting, at a recipient telephone, an incoming telephone call, (col. 3, lines 25-45);  
generating, from the recipient telephone, a user alert in response to the incoming call, (col. 2, lines 7-21; col. 3, lines 25-55);

receiving a command from a called party in response to the user alert, (col. 4, lines 2-10; col. 5, lines 50-58).

Weishut does not specifically teach generating an audio message based on the command.

Wolff teaches that it was well known in the art to receive a command from the user and to generate an audio message based on the command, (col. 5, lines 1-6,57-65); answering the incoming call, (col. 5, lines 4-6); and playing the audio message to the telephone caller, (col. 5, lines 4-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Weishut by generating an audio message and playing the selected message to the calling party as taught by Wolff so that the calling party will know how their call is being processed e.g. transferring to voice mail or that the called party is busy and so that the called party can create customized voice responses to the caller.

*Regarding claims 17 and 18*, Weishut, as applied above does not specifically teach of using voice recognition.

Wolff teaches activating a voice recognition unit to receive a command. (col. 7, lines 17-22; col. 6, lines 17-36; col. 7, lines 5-22; fig. 8). Wolff further teaches recording a spoken message from the called party and including the spoken message in the audio message, (col. 5, lines 1-6,57-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Weishut by using voice recognition to receive spoken commands as taught by Wolff so that the user can operate the device in a hands free mode and so that the system can validate the end user through speaker recognition techniques to

ensure privacy protection of the device. This is to make certain that the called party is an authorized user of the receiving device.

*Regarding claim 19*, Weishut teaches manually entering the command using a keypad, (col. 5, lines 50-58).

***Response to Arguments***

8. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 872-9314, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is (703) 308-6262. The examiner can normally be reached on Monday to Friday from 6:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. The fax phone number for this Group is (703) 872-9314.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [fan.tsang@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly

set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ovidio Escalante  
Examiner  
Group 2645  
September 22, 2003

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

